IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5767 OF 2005

M/s.S.D. Enterprises .. Petitioner.

V/s.

The Union of India & Others .. Respondents.

Mr.Naresh Kaushik i/b. Mr.Vivek Sharma for the petitioner.

Mr.H.V. Mehta with Mr.Kiran Kandpile for the respondents.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 1ST SEPTEMBER, 2005.

P.C. :

1. Heard learned counsel appearing for the parties. Perused petition.

2. At this stage, it will not be in the interest of either parties to entertain this petition. However, justice would be met by taking the pursis styled as "minutes of order" duly signed by the advocate for respondent Nos.1 and 4 along with the Superintendent (Preventive), Central Excise, Thane - II and to dispose of petition keeping all rival contentions open.

3. Mr.Mehta submits that they will stand by

their pursis without creating any difficulty for the petitioner and shall promptly adjudicate upon the show cause notice. The petitioner has also undertaken to co-operate with the adjudicating authority.

4. We expect the adjudicating authority to adjudicate all pending applications well within a reasonable time before adjudication of the show cause notice and shall endeavour to adjudicate upon the show cause following principles of natural justice as expeditiously as possible.

5. Needless to mention that all rival contentions of the parties are kept open.

6. The petition, accordingly, stands disposed of with no order as to costs.

(V.C. DAGA, J.)

(J.P. DEVADHAR, J.)